



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1992

Ms. Sandra K. Joseph
Office of the Inspector General
Comptroller of Public Accounts
LBJ State Office Building
Austin, Texas 78774

OR92-342

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15315.

The Comptroller of Public Accounts received a request from officials with the Travis Central Appraisal District (the district) for "a list of Coin Operated Amusement Machine owners stating the business name, owner, mailing address and number of machines permitted in Travis County." You state that you have released to the district the names and addresses of the amusement machine owners. You contend, however, that the number of machines owned by each business is excepted from required public disclosure by section 3(a)(10) of the Open Records Act and sections 7(1) and 12(7) of article 8817, V.T.C.S.

Article 8817 governs the regulation of "music and skill or pleasure coin-operated machines." Section 8(1) of article 8817 provides:

No person shall engage in business to manufacture, own, buy, sell, or rent, lease, trade, lend, or furnish to another . . . a music coin-operated machine or a skill or pleasure coin-operated machine without a license or registration certificate issued under this Article.

Section 12(7) of article 8817 provides:

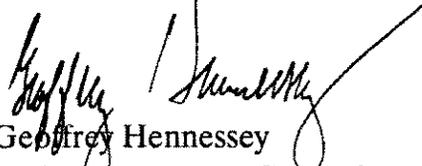
The statement of ownership [of a business] contained in the application [for license or registration] becomes a public record

upon issuance of a license. *Other information in the application is confidential.* (Emphasis added.)

Although section 4 of article 8817 authorizes the comptroller to "disclose confidential information to appropriate officials," section 7(1) authorizes the use of information obtained from applications "only for the purpose of enforcing this chapter." Accordingly, this office believes that the comptroller may release the requested information to district officials only if he has made the determination that such release would be "for the purpose of enforcing" the provisions of article 8817. Absent such a determination, the requested documents must be withheld.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-342.

Yours very truly,


Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/RWP/lmm

Ref.: ID# 15315

cc: Mr. Jeff Jones, RPA
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